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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,660	06/18/2007	Arnoldus Theodorus Van Der Heiden	P71434US0	2143
136 7590 11/10/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER PICO, ERIC E	
			ART UNIT 3654	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,660	Applicant(s) VAN DER HEIDEN, ARNOLDUS THEODORUS	
	Examiner ERIC PICO	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/27/2006</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a height which would be needed for not contacting the steps in the bend if, in the bend, the platform would be kept at an orientation of the platform in the straight part claimed in claim 3, a bend with narrow parts on both sides claimed in claim 5, a stairwell insufficiently wide to let the platform rotate through claimed in claims 4, 5, and 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim(s) 4, 5, and 11** is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 4 and 11, the phrase "wider part" and "narrower part" renders the claim indefinite because it is unclear compared to what the part is wider or narrower to.

5. The terms "wide" and "narrow" in claims 4, 5, and 11 is a relative term which renders the claim indefinite. The term "wide" and "narrow" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claim(s) 1, 8, and 9** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Tasker et al. GB Publication No. 2368574.

8. **Regarding claim 1**, Tasker et al. discloses a stairlift 10 provided with a rail 11 for mounting along a stairway 13, a platform 15 which is movably mounted on the rail 11 and a drive mechanism 16 for moving the platform 15 along the rail 11 along the stairway 13, wherein the platform 15 is mounted so as to be movable about a vertical shaft 100 relative to the rail 11 and the stairlift 10 comprises a drive 16 arranged to rotate an angle of the platform 15 relative to the rail 11 depending on the position of the platform 15 along the rail 11 during movement of the platform 15 along the rail 11.

9. **Regarding claim 8**, Tasker et al. discloses wherein the drive mechanism 16 to move the platform 15 along the rail 11 along the stairway 13 is coupled to the drive 16 for the angle about the vertical shaft 100 and the drive 16 for the angle about the vertical shaft 100 is arranged to set the angle depending on a progress of the drive mechanism 16.

10. **Regarding claim 9**, Tasker et al. discloses a method for driving a platform 15 along a rail 11 mounted in a stairwell 13, which comprises the step of automatically rotating the platform 15 relative to the rail 11 about a vertical shaft 100 during movement of the platform 15 along the rail 11, at angles depending on a position of the platform along the rail 11.

11. **Claim(s) 1-4, 6 and 8-11** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Ichihara et al. JP Publication No. 05-116865.

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12. **Regarding claim 1**, Ichihara et al. discloses a stairlift provided with a rail 3 for mounting along a stairway 1, a platform 6 which is movably mounted on the rail 3 and a drive mechanism 4 for moving the platform 6 along the rail 3 along the stairway 1, wherein the platform 6 is mounted so as to be movable about a vertical shaft Y2 relative to the rail 3 and the stairlift comprises a drive M arranged to rotate an angle of the platform 6 relative to the rail 3 depending on the position of the platform 6 along the rail 3 during movement of the platform 6 along the rail 3.

13. **Regarding claim 2**, Ichihara et al. discloses wherein the rail 3 comprises a virtually straight part and a bend, and the drive M is arranged to rotate the platform 6, at positions in the bend, at an orientation or orientations which make a smaller angle with a part of the rail 2 going downstairs than an orientation of the platform 6 in the straight part.

14. **Regarding claim 3**, Ichihara et al. discloses the stairlift mounted in a stairwell, at such a height above the stairway 1 that a bottom side of the platform 6 does not contact the steps of the stairway 1 during the movement along the rail 3, wherein the height is less than a height which would be needed for not contacting the steps in the bend if, in the bend, the platform 6 would be kept at an orientation of the platform 6 in the straight part.

15. **Regarding claim 4**, Ichihara et al. discloses the stairlift mounted in a stairwell 1 with a wider part, shown at the bent section of the staircase 1, and narrower part, wherein the stairwell 1 is insufficiently wide to let the platform rotate through, and wherein the drive M is arranged to rotate the platform 6, at a position preceding the

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entering of the narrow part, at an angle from where the platform 6 can be rotated to a position for getting on and off in the narrower part without obstruction from walls in the stairwell.

16. **Regarding claim 6**, Ichihara et al. discloses wherein the rail 3 is mounted in a stairwell 1 such that, if the platform 6 stood still at any fixed angle about the vertical shaft Y2 during movement along the rail 3, the platform 6 would hit a step of the stairway or a wall 2 of the stairwell 1 at any point along the rail 3, and wherein the drive M is arranged to change said angle of the platform 6 relative to the rail 3 en route along the rail 3 such that this prevents hitting steps and/or the wall 2.

17. **Regarding claim 8**, Ichihara et al. discloses wherein the drive mechanism 4 to move the platform 6 along the rail along the stairway is coupled to the drive M for the angle about the vertical shaft Y2 and the drive M for the angle about the vertical shaft is arranged to set the angle depending on a progress of the drive mechanism 4.

18. **Regarding claim 9**, Ichihara et al. discloses a method for driving a platform 6 along a rail 3 mounted in a stairwell 1, which comprises the step of automatically rotating the platform 6 relative to the rail 3 about a vertical shaft Y2 during movement of the platform 6 along the rail 3, at angles depending on a position of the platform 6 along the rail 3.

19. **Regarding claim 10**, Ichihara et al. discloses wherein the rail 3 comprises a virtually straight part and a bend, and the platform 6 is rotated, at positions in the bend, at an orientation or orientations which make a smaller angle with a part of the rail 3 going downstairs than an orientation of the platform in the straight part.

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20. **Regarding claim 11**, Ichihara et al. discloses wherein the rail 3 is mounted in a stairwell with a wider part and narrower part, wherein the stairwell is insufficiently wide to let the platform 6 rotate through, and wherein the platform 6 is rotated, at a position preceding the entering of the narrow part, at an angle from where the platform 6 can be rotated to a position for getting on and off in the narrower part without obstruction from walls in the stairwell.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. **Claim(s) 5** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara et al. JP Publication No. 05-116865 in view of Tasker et al. GB Publication No. 2368574.

23. **Regarding claim 5**, Ichihara et al. discloses wherein the stairwell 1 comprises a bend with narrow parts on both sides, wherein the stairwell 1 is insufficiently wide to let the platform 6 rotate through, and wherein the drive is arranged to make the platform rotate between angles from which the platform can be rotated to a position for getting on and off in the respective narrow parts without obstruction from walls of the stairwell.

24. Ichihara et al. is silent concerning wherein the drive is arranged to make the platform rotate between angles from which the platform can be rotated to a position for

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getting on and off in the respective narrow parts without obstruction from walls of the stairwell.

25. Tremblay et al. teaches wherein a drive is arranged to make a platform 15 rotate between angles from which the platform 15 can be rotated to a position for getting on and off in respective parts without obstruction from walls of a stairwell, Pages 6-9.

26. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange a drive as taught by Tremblay et al. to rotate the platform disclosed by Ichihara et al. to provide a convenient position while getting on and off the stair lift.

27. **Claim(s) 7** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara et al. JP Publication No. 05-116865 in view of Rickaby International Publication No. WO 2004/000712.

28. **Regarding claim 7**, Ichihara et al. is silent concerning wherein the drive is provided with a position sensor for detection of a position of the platform along the rail, memory means comprising information about a desired angle setting as a function of the position, and a motor, wherein the sensor is coupled to the memory means for reading out information about the desired angle setting depending on sensor information, and the memory means are coupled to the motor for controlling the angle depending on the read-out information about the desired angle setting.

29. Rickaby teaches wherein a drive 11 is provided with a position sensor 19 for detection of a position of a platform 1 along a rail 3, memory means comprising information about a desired angle setting as a function of the position, and a motor 16, wherein the sensor 19 is coupled to the memory means for reading out information

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about the desired angle setting depending on sensor 19 information, and the memory means are coupled to the motor 16 for controlling the angle depending on the read-out information about the desired angle setting, Page 4, Lines 4-6; Page 5, Lines 1-8; and Page 7, Lines 15-27 – Page 8, Lines 1-3.

30. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a position sensor as taught by Rickaby to the platform disclosed by Ichihara et al. to maintain a desired orientation of the stairlift.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schryver U.S. Patent No. 2856027, Goodall et al. U.S. Patent No. 4815785, Duijnste U.S. Patent No. 5992935, Molnar et al. U.S. Patent No. 7225899, Hester et al. U.S. Patent No. 6712192, Voves et al. U.S. Patent No. 4913264, Schneider U.S. Patent No. 4246848.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP
/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3654